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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,632	02/21/2002	Siemen Roelof Van Der Heide	30394-1057	7250

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EXAMINER

JACKSON, ANDRE K

ART UNIT PAPER NUMBER

2856

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/936,632

Applicant(s)

HEIDE ET AL.

Examiner

Andre' K. Jackson

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Moreau et al.

Regarding claim 1, Moreau et al. discloses a "Multi-element ultrasonic probe for electronic scanning" which discloses a cable (10), a measuring head (4), a device to process measuring data (20) and a reel (15) for winding the cable on and off.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. in view of Marvin et al.

Regarding claim 2, Moreau et al. does not disclose a cable that is a glass fiber and a feed device for feeding the measuring head. However, Marvin et al. discloses a "Furnace tube inspection apparatus" which discloses a cable that is a glass fiber (Column 6, lines 49-55) and a feed device for feeding the measuring head (Column 6, lines 3-5). Therefore, it would have been obvious to modify Moreau et al. to include a cable that is a glass fiber and a feed device for feeding the measuring head as taught by Marvin et

al. since using optical fiber makes the apparatus lighter and the feed device is needed to provide energy to the measuring head.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. in view of Zollinger et al.

Regarding claim 3, Moreau et al. discloses where the measuring head, the feed device and other electronics are incorporated individually in carrier members (Figure 10). What is not disclosed is a reel incorporated in a carrier member. However, Zollinger et al. discloses an "Apparatus for inspecting piping" which has a reel (spool, 38) incorporated in a carrier member. Therefore, it would have been obvious to the skilled artisan to modify Moreau et al. to include a reel incorporated in a carrier member as taught by Zollinger since it would make the invention more compact.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. in view of Zollinger et al. as applied to claim 3 above, and further in view of Marvin et al.

Regarding claim 4, Moreau et al. does not explicitly state that the couplings are flexible. However, it is inherent that the couplings be made to be flexible in order to move through curve pipes. Moreau et al. does not explicitly state that the couplings are

flexible. Marvin et al. discloses where the individual carrier members are sequentially interconnected by flexible couplings (24,26,28,30 and 32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Moreau et al. to include where the individual carrier members are sequentially interconnected by flexible couplings as taught by Marvin et al. since couplings need to be made to be flexible in order to move through curve pipes.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. in view of Zollinger et al. and Marvin et al. as applied to claim 4 above, and further in view of Wernicke.

Regarding claim 5, Moreau et al. does not disclose where the flexible couplings are formed by hydraulic tubes with a steel covering. However, Wernicke discloses a "Spiral tractor apparatus and method" which has flexible couplings formed by hydraulic tubes with a steel covering. Therefore, it would have been obvious to one of ordinary skill in the art to modify Moreau et al. to include flexible couplings formed by hydraulic tubes with a steel covering as taught by Wernicke since steel provides a durable structure.

Regarding claim 6, it is inherent that the length of the tubes are chosen because of its flexural stiffness in order to proceed

through the pipes without getting stuck and the ability to move through the pipes with ease.

Response to Arguments

10. Applicant's arguments filed 02/05/03 have been fully considered but they are not persuasive.

Applicant is arguing that Moreau does not have the reel at its distal end from the measuring head. In Figure 1 it appears that the reel is at the distal end from the measuring head, which is what Applicant has claimed in claim 1. Therefore, the Moreau reference does meet every element of claim 1 including having the reel at the distal end behind the measuring head.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' K. Jackson whose telephone number is (703) 305-1522. The examiner can normally be reached on Mon.-Fri. 7AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2856

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the receptionist
whose telephone number is (703) 308-1782.

A.J.

March 27, 2003


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800